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E.O. 12958: DECL: 12/17/2019
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA
(SFO-GVA-VII): (U) MEETING OF THE TREATY TEXT AND
DEFINITIONS WORKING GROUP, NOVEMBER 29, 2009

REF: GENEVA 1127 (SFO-GVA-VII-062)

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

[1](#)1. (U) This is SFO-GVA-VII-071.

[1](#)2. (U) Meeting Date: November 29, 2009
Time: 3:00 P.M. - 6:00 P.M.
Place: U.S. Mission, Geneva

SUMMARY

[1](#)3. (S) A meeting of the Treaty Text and Definitions Working Group (TTDWG) was held at the U.S. Mission on November 29, [1](#)2009. to discuss Articles II, Central Limits and III, Counting Rules. The U.S. side proposed a working paper on Article II that contained elements of U.S.- and Russian-proposed language for the Article. After some discussion and additional edits to the Article II working paper, it was agreed that after each delegation took one more look, it could be sent to the Conforming Group with one remaining bracketed phrase. The United States also provided a working paper on Article III. Progress was made on achieving agreement on certain parts of the article while discussion continued on text pertaining to ICBM silo launchers and the counting of heavy bombers. End Summary.

[1](#)4. (S) SUBJECT SUMMARY: Article II Close to Complete;
Article III Progress Made; Heavy Bomber Counting; Counting

ICBMs and SLBMs; Newly Constructed SOA; Counting Silo Launchers and Heavy Bombers; Limits vs. Provisions; But Getting Back to Silo Launchers; Back to Heavy Bombers; and When is An Item Deployed?

ARTICLE II CLOSE TO COMPLETE

¶5. (S) Mr. Taylor provided U.S.-proposed language for Article II, Central Limits and noted that the language combined elements of past U.S.- and Russian- proposed language. Kuznetsov immediately commented that he liked the paragraph which read: "Each Party may determine for itself the composition and structure of its strategic offensive arms, within the limitations set forth in this Treaty." In particular, it corresponded completely with the Russian proposal. Kuznetsov also said that any references to numbers in Article II should be left blank since it is not up to the working group to decide.

Begin text:

SFO-VII
U.S. Working Paper
November 29, 2009

Article II

¶1. Each Party shall reduce and limit its ICBMs and ICBM launchers, SLBMs and SLBM launchers, heavy bombers, ICBM

warheads, SLBM warheads, and heavy bomber ((nuclear))² armaments, so that seven years after entry into force of this Treaty and thereafter, the aggregate numbers, as counted in accordance with Article III of this Treaty, do not exceed:

(a) (((500 - 1100)))¹ ((500))² for deployed ICBMs, deployed SLBMs, and deployed heavy bombers;

(b) (((1500-1675)))¹ ((1675))², for warheads on deployed ICBMs, warheads on deployed SLBMs, and ((nuclear warheads on or associated with))¹ deployed heavy bombers.

¶2. Each Party may determine for itself the composition and structure of its strategic offensive arms, within the limitations set forth in this Treaty.

End text.

¶6. (S) Kuznetsov insisted that the United States accept "nuclear" to describe heavy bomber armaments in paragraph 1 of the Russian-proposed text. He further stated that the word "nuclear" should be deleted from the description of warheads on deployed heavy bombers in paragraph 1(b) regarding the aggregate limit on the number of warheads. He said the U.S.-proposed language would introduce counting rules in Article II and counting rules belong in Article III.

¶7. (S) Taylor acknowledged the logic of Kuznetsov's argument given its consistency with the Russian position on counting rules as they pertain to heavy bombers. However, Taylor pointed out, the U.S. approach to heavy bomber counting rules includes nuclear warheads on or associated with deployed heavy bombers and once the counting rules on heavy bombers are resolved, this issue too would be resolved.

¶8. (S) Ms. Kotkova asked why the United States used the term "aggregate numbers" in Article II but in Article III the term "aggregate limits" was used. Taylor explained that Article II established aggregate numbers by those categories being counted, whereas Article III used that number as a limit.

¶9. (S) After conferring with Mr. Highsmith for legal guidance, Mr. Taylor agreed that the word "nuclear" could be used in paragraph 1 when referring to heavy bomber armaments and that it could be deleted in paragraph 1(b) when referring

to warheads on deployed heavy bombers. The U.S. phrase "or associated with" remained in brackets. Taylor then recommended that Article II be sent to the Conforming Group. Kuznetsov said he would share the revised language with his delegation before sending it to the Conforming Group.

ARTICLE III PROGRESS MADE

¶10. (S) Taylor then proposed language for Article III. He pointed out that the United States had agreed to drop the language "and associated launchers" in paragraph 1(a) and 1(b) and that the bracket on "aggregate" had also been removed per the previous day's discussion. Kuznetsov had no objections. Taylor also noted that the U.S. proposal removed language from paragraph 2 that differentiated between nuclear and non-nuclear given that each reentry vehicle and warhead

counted as one, should it be conventional or nuclear. Kuznetsov had no objections. The language is provided below:

Begin text:

SFO-VII
U.S. Working Paper
November 29, 2009

Article III

¶1. For the purposes of counting toward the aggregate limit provided for in subparagraph 1(a) of Article II of this Treaty:

- (a) Each deployed ICBM shall be counted as one unit.
- (b) Each deployed SLBM shall be counted as one unit.
- (c) Each deployed heavy bomber shall be counted as one unit.

¶2. For the purposes of counting toward the aggregate limit provided for in subparagraph 1(b) of Article II of this Treaty:

(a) For ICBMs and SLBMs, the number of warheads shall be the number of reentry vehicles emplaced on deployed ICBMs and deployed SLBMs.

(b) ((For deployed heavy bombers, the number of nuclear warheads shall be the number of nuclear armaments loaded on deployed heavy bombers and the number in nuclear armaments weapons storage areas associated with air bases where deployed heavy bombers are based.))1 ((Each long-range nuclear ALCM and each other heavy bomber nuclear armament, other than a long-range nuclear ALCM, on deployed heavy bombers shall be counted as one warhead.))2

¶3. For the purposes of this Treaty, including counting ICBMs and SLBMs:

(a) For ICBMs or SLBMs that are maintained, stored, and transported in stages, the first stage of an ICBM or SLBM of a particular type shall be considered to be an ICBM or SLBM of that type.

(b) For ICBMs or SLBMs that are maintained, stored, and transported as assembled missiles without launch canisters, an assembled missile of a particular type shall be considered to be an ICBM or SLBM of that type.

(c) For ICBMs or SLBMs that are maintained, stored, and transported as assembled missiles in launch canisters, an assembled missile of a particular type, in its launch canister, shall be considered to be an ICBM or SLBM of that type.

(d) Each launch canister shall be considered to contain an ICBM or SLBM from the time it first leaves a facility at which an ICBM or SLBM is installed in it until an ICBM or SLBM has been launched from it or until an ICBM or SLBM has been removed from it for elimination. A launch canister

shall not be considered to contain an ICBM or SLBM if it contains a training model of a missile or has been placed on static display. Launch canisters for ICBMs or SLBMs of a particular type shall be distinguishable from launch canisters for ICBMs or SLBMs of a different type.

14. Newly constructed strategic offensive arms shall begin to be subject to the provisions of this Treaty as follows:

(a) an ICBM when it first leaves its production facility;

(b) a mobile launcher of ICBMs, when it first leaves its production facility;

(c) a silo launcher of ICBMs, when ((excavation for that launcher has been completed and the pouring of concrete for the silo has been completed, or 12 months after the excavation begins, whichever occurs earlier))1 ((when the protective device is first installed and closed))2;

(d) an SLBM, when it first leaves its production facility;

(e) an SLBM launcher, when the submarine on which that launcher is installed is first launched;

(f) a heavy bomber equipped for nuclear armaments, when its airframe is first brought out of the shop, plant, or building in which components of such a heavy bomber are assembled to produce complete airframes; or when its airframe is first brought out of the shop, plant, or building in which existing bomber airframes are converted to such heavy bomber airframes.

15. ICBMs, SLBMs, ICBM launchers, SLBM launchers, and deployed heavy bombers shall cease to be subject to the provisions of this Treaty in accordance with procedures provided for in Parts Three and Four of the Protocol to this Treaty, or as recorded within the framework of the Bilateral Consultative Commission.

16. For the purposes of this Treaty:

(a) A ballistic missile of a type developed and tested solely to intercept and counter objects not located on the surface of the Earth shall not be considered to be a ballistic missile to which the provisions of this Treaty apply.

(b) A new type of ballistic missile developed and tested solely for the delivery of non-nuclear armaments shall not be considered to be a ballistic missile to which the limitations provided for in this Treaty apply.

(c) If a new type of ballistic missile has been flight-tested or deployed for nuclear weapon delivery, all ballistic missiles of that type shall be considered to be ballistic missiles to which the provisions of this Treaty apply.

(d) Within the same type, a heavy bomber equipped for nuclear armaments shall be distinguishable from a heavy

bomber equipped for non-nuclear armaments.

17. As of the date of signature of this Treaty:

(a) Existing types of ICBMs are:

(i) for the United States of America, the types of missiles designated by the United States of America as, and known to the Russian Federation as Minuteman III;

(ii) for the Russian Federation, the types of missiles designated by the Russian Federation as RS-12M, RS-18, and RS-20, which are known to the United States of America as SS-25, SS-19, and SS-18, respectively

(b) Existing types of SLBMs are:

(i) for the United States of America, the types of missiles designated by the United States of America and known to the Russian Federation as Trident II;

(ii) for the Russian Federation, the types of missiles designated by the Russian Federation as RSM-50, RSM-52, RSM-54, and RSM-56, which are known to the United States of America as SS-N-18, SS-N-20, SS-N-23, and RSM-56, respectively.

(c) Existing types of ICBMs for mobile launchers of ICBMs are:

(i) for the United States of America, N/A;

(ii) for the Russian Federation, the types of missiles designated by the Russian Federation as (TBD).

(d) Existing types of deployed heavy bombers are:

(i) for the United States of America, the types of bombers designated by the United States of America as, and known to the Russian Federation as, B-52H, B-1B and B-2A;

(ii) for the Russian Federation, the types of bombers designated by the Russian Federation as Tu-95MS and Tu-160, which are known to the United States of America as Bear H and Blackjack, respectively.

(e) Existing types of nuclear armaments for heavy bombers are:

(i) for the United States of America, the types of nuclear armaments are nuclear bombs and the air launched cruise missile designated by the United States of America as, and known to the Russian Federation as, AGM-86B;

(ii) for the Russian Federation, the types of nuclear armaments designated by the Russian Federation as (TBD).

End text.

HEAVY BOMBER COUNTING

¶11. (S) Taylor said the United States had agreed to count both nuclear and non-nuclear reentry vehicles. Therefore the United States had developed revised language.

¶12. (S) On the issue of counting heavy bomber warheads, Taylor went on to note that the United States was not prepared to change its position. He stated that the United States believed this treaty was about strategic offensive arms and we should only count warheads on and associated with deployed heavy bombers."

¶13. (S) Kuznetsov responded that the Russian position was that each unit of nuclear armament located on a deployed heavy bomber shall be counted as one unit. He further stated that an English translation of the Russian proposed language was: "In the case of the absence of a nuclear armament on a deployed heavy bomber, one warhead will be counted for each

deployed heavy bomber."

COUNTING ICBMs AND SLBMs

¶14. (S) Regarding Article III, the paragraph on the counting of ICBMs and SLBMs, Taylor said the United States believed it was important to spell out what is considered an ICBM and SLBM so that when inspectors go to identify them, they understand exactly what the item is. He stated that this should be included in the treaty Article. Kuznetsov claimed that there was a disagreement in concept and that he needed to consult with his delegation before commenting. For now, Kuznetsov suggested that paragraph could be kept without brackets.

NEWLY CONSTRUCTED SOA

¶15. (S) Taylor noted in Article III, the paragraph regarding when newly constructed strategic offensive arms become subject to the provisions of the treaty, that the United States did not differentiate between types of production facilities. Taylor described that an ICBM becomes subject to the provisions of the treaty when it leaves the production facility and the same for SLBMs.

COUNTING SILO LAUNCHERS AND HEAVY BOMBERS

¶16. (S) Taylor highlighted that the situation was more complicated when it came to silo launchers and mentioned that the Conversion or Elimination Working Group was determining the process for eliminating a silo launcher. Taylor stated that the United States wanted to better define when a silo launcher becomes subject to the provisions of the treaty. He noted there were likely to be few opportunities for constructing silos in the future but that there should be no questions since the START provision has served each side well for the last 15 years.

¶17. (S) With regard to the text on heavy bombers equipped

for nuclear armaments, Taylor said the United States took the approach of combining previous U.S.- and Russian-proposed text and said the result was a good formulation. He asked Kuznetsov to agree to this paragraph.

LIMITS VS. PROVISIONS

¶18. (S) Kuznetsov took a step back and asked to look at the situation conceptually and, in particular, at how certain items were subject to the limitations of the treaty while others are subject to the treaty's provisions. Kotkova added that in her view, all items are subject to the provisions of the treaty and that a narrower group of items are subject to its limitations.

¶19. (S) Taylor clarified that limits were numerical while provisions refer to a variety of things including notifications, declarations, etc. For example, he said, an ICBM automatically became subject to the provisions of the treaty but if it was deployed, it would then become subject to the limits of the treaty.

¶20. (S) Kotkova stated that she understood this but added that she viewed the situation as having three levels. The first and broadest level referred to those items that are subject to the provisions of the treaty in general. The second referred to the limits provided for by the treaty but which could also include those limits that related to location of items. The third level was the narrowest and

referred to the central aggregate limits, which were those items subject to the limits of the second and third levels. She noted that the misunderstanding concerned the second level.

¶21. (S) Taylor said that the United States saw everything in the treaty as subject to the provisions of the treaty. Taylor acknowledged that the language used in START stating that "newly constructed strategic arms are subject to the limit" was different from the U.S.-proposed language which stated that newly constructed strategic arms were "subject to the provisions" of the treaty. He explained that this was because the Article was about location, type, and timing and it did not necessarily follow that these items were subject to numerical limits.

¶22. (S) Kuznetsov said the wording "subject to the provisions" was acceptable and agreed to the language in paragraph 4 (a) and (b).

But Getting Back to Silo Launchers

¶23. (S) With regard to silo launchers, Kuznetsov asked for the logic behind the U.S. proposal that a silo launcher of ICBMs be subject to the provisions of the treaty when "excavation for that launcher has been completed and the pouring of concrete for the silo has been completed or 12 months after the excavation begins, whichever occurs earlier." He asked why the 12-month period was selected. He further questioned the need for the text on silo launchers

given that "no one would install a silo launcher outside an ICBM base," but he also noted that this language had come from START. Col Kamenskiy added that he viewed this text as "discrimination against silo launchers." Taylor said he would discuss this issue further with Mr. Elliott and said it would be left as bracketed text.

BACK TO HEAVY BOMBERS

¶24. (S) Kuznetsov stated that in the paragraph on heavy bombers, any reference to "heavy bombers equipped for nuclear armaments" should simply be "heavy bombers." He maintained that the working groups had created a variety of terms to define heavy bombers that were not contained in the terms and definitions. For example, he referred to the use of "heavy bombers equipped for non-nuclear armaments." Taylor responded that because the treaty was about strategic offensive arms, only heavy bombers with nuclear armaments would be included. Lt Col Comeau further added that if a side developed a new conventional bomber with a range in excess of 8000 km it would be considered to be subject to the provisions of the treaty just because of its range, regardless of whether it was equipped for nuclear armaments.

¶25. (S) Kuznetsov said he saw the situation differently. Both sides had heavy bombers equipped with nuclear armaments that were subject to the treaty. Additionally, there were heavy bombers equipped for non-nuclear armaments and they would fall under the provisions of the treaty regarding exhibitions. He proposed to drop the language "equipped for nuclear armaments."

¶26. (S) Taylor said he would take this issue back to the U.S. delegation for consideration and suggested the text be bracketed for now. Kuznetsov said it must be bracketed but it would be even better to delete the four words.

WHEN IS AN ITEM DEPLOYED?

¶27. (S) Kuznetsov suggested that a new paragraph be added

after paragraph 4 to specify when a newly constructed item should be considered deployed since deployed items are counted. He asked whether this type of explanation appears elsewhere. He insisted that the United States should reflect on how to count these items in Article III. Taylor agreed to consider the suggestion and both sides agreed to pick up on this point at the next meeting.

¶28. (S) Documents provided:

- UNITED STATES:

-- U.S. Working Paper on Article II, November 29, 2009
(in English and unofficial Russian); and

-- U.S. Working Paper on Article III, November 29, 2009
(in English and unofficial Russian)

¶29. (U) Participants.

UNITED STATES

Mr. Taylor
Lt Col Comeau
Mr. Connell
Dr. Dreicer
Ms. Kirchgasser
Mrs. Zdravecky
Mr. Sobchenko (Int)

RUSSIA

ADM Kuznetsov
Ms. Fuzhenkova
Mr. Kamenskiy
Ms. Kotkova
Mr. Trifonov
Ms. Evarovskaya (Int)

¶30. (U) Gottemoeller sends.
GRIFFITHS